

Practitioner's Docket No. 1790/109

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Robert E. Gieringer

Application No.: N/A

Group No.: N/A

Filed: filed herewith

Examiner: N/A

For: Arthroscopic Suture Thread and Method of Use

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

The Examiner's attention is directed to the references listed in the attached PTO-Form-1449 and more particularly to the following:

Mattei (4,185,637) which discloses a braided suture thread and a bioabsorbable composition coating for a bioabsorbable suture.

Prou (5,089,012) which discloses a twisted suture, having a multistrand portion welded to a monofilament.

Proto (5,254,126) teaches *inter alia* that a braided suture can be made from a non-bioabsorbable material such as Dacron. See column 6, lines 53-54; column 12, line 9. A monofilament suture can be made from nylon or polypropylene. (col.1, l. 25-28).

Sennett et al. (5,417,690) discloses two different portions of a surgical cable having the same diameter. (col.5, l. 48)

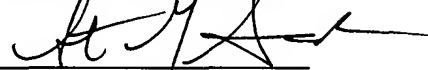
Bezwada et al. (5,076,807) teaches a polydioxanone coating.

Caspari et al. (4,957,498) teaches a suture punch used in rejection dated December 27, 2002, in the parent application 09/811,144.

Filipi et al. (5,254,126) teaches methods for using a suture punch.

Singerman et al. (3,311,110) teaches a suture thread and was used in a rejection dated December 27, 2002 in the parent application 09/811,144.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. G. Saunders', written over a horizontal line.

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#### **Section 4. Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted**

*NOTE: "A copy of any patent, publication or other information listed in an information disclosure statement is not required to be provided if it was previously cited by or submitted to the Office in a prior application, provided that the prior application is properly identified in the statement and relied upon for an earlier filing date under 35 U.S.C. 120." 37 C.F.R. section 1.98(d).*

**WARNING:** *"This exception to the requirement for copies of information does not apply to information which was cited in an international application under the Patent Cooperation Treaty." Notice of April 20, 1992 (1138 O.G. 37-41, 38).*

**WARNING:** *"Information which is cited or submitted to the Office in the parent application of a file wrapper continuing application under 37 C.F.R. section 1.62 will be part of the file before the examiner and need not be resubmitted in the continuing application. Likewise, the examiner will consider information cited or submitted to the Office in a parent application when examining a continuing application and thus this information need not be resubmitted unless applicant desires the information to be printed on the patent." Notice of April 20, 1992 (1138 O.G. 37-41, 37).*

**WARNING:** *While a copy of a non-English language item of information need not be submitted, if it was previously submitted to, or cited by, the Office in a prior application, provided it is properly identified in this statement and this application relies on that earlier filing date under 35 U.S.C. 120, nevertheless, the requirement in section 1.98(a)(3) for a concise explanation of non-English language information would not be satisfied by a statement that a reference was cited in the prosecution of a parent application. The concise explanation must explain the relevance, as presently understood by the person designated in section 1.56(c) most knowledgeable about the content of the information. Notice of January 9, 1992, 1135 O.G. 13-25, at 20.*

[X] This application also relies, under 35 U.S.C. section 120, on the earlier filing date of prior application SN.: 09/811,144, filed on March 16, 2001.

The following references were submitted to, and/or cited by, the Office in the prior application(s) and, therefore, are not required to be provided in this application:

AA-AU

SECTION 2:FORMS PTO/SB/08A and 08B (formerly Form PTO-1449)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Robert E. Gieringer                      Atty Dkt:        1790/109

Serial No:        N/A    Art Unit:        N/A

Date Filed:      filed herewith                              Examiner:      N/A

Invention: **Arthroscopic Suture Thread and Method of Use**

LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S  
INFORMATION DISCLOSURE STATEMENT

| <u>Exam.</u><br><u>Init.</u> | <u>Ref.</u><br><u>No.</u> | <u>U.S. Patent</u><br><u>No.</u> | <u>Issue Date</u> | <u>Inventor</u>  | <u>Class</u> |
|------------------------------|---------------------------|----------------------------------|-------------------|------------------|--------------|
| —                            | AA                        | 2,591,063                        | Apr. 1, 1952      | Goldberg         | 128/334      |
| —                            | AB                        | 3,577,601                        | May 4, 1971       | Mariani et al.   | 128/335      |
| —                            | AC                        | 3,982,543                        | Sept. 28, 1976    | Schmitt et al.   | 128/335.5    |
| —                            | AD                        | 4,052,988                        | Oct. 11, 1977     | Doddi et al.     | 128/335.5    |
| —                            | AE                        | 4,185,637                        | Jan. 29, 1980     | Mattei           | 128/335.5    |
| —                            | AF                        | 4,602,636                        | July 29, 1986     | Noiles           | 128/355.5    |
| —                            | AG                        | 4,957,498                        | Sept. 18, 1990    | Caspari et al.   | 606/146      |
| —                            | AH                        | 5,076,807                        | Dec. 31, 1991     | Bezwada et al.   | 606/230      |
| —                            | AI                        | 5,078,721                        | Jan. 7, 1992      | McKeating        | 606/139      |
| —                            | AJ                        | 5,089,012                        | Feb. 18, 1992     | Prou             | 606/224      |
| —                            | AK                        | 5,092,884                        | Mar. 3, 1992      | Devereux et al.  | 623/11       |
| —                            | AL                        | 5,254,126                        | Oct. 19, 1993     | Filipi et al.    | 606/146      |
| —                            | AM                        | 5,326,355                        | July 5, 1994      | Landi            | 623/66       |
| —                            | AN                        | 5,366,081                        | Nov. 22, 1994     | Kaplan et al.    | 206/339      |
| —                            | AO                        | 5,374,268                        | Dec. 20, 1994     | Sander           | 606/72       |
| —                            | AP                        | 5,417,690                        | May 23, 1995      | Sennett et al.   | 606/61       |
| —                            | AQ                        | 5,425,746                        | June 20, 1995     | Proto et al.     | 606/224      |
| —                            | AR                        | 3,311,110                        | March 28, 1967    | Singerman et al. | 128/335.5    |

**OTHER REFERENCES**

Exam Ref.

Init.   No.   Document

\_\_\_   AS   Caspari, M.D., Richard B., *Arthroscopic Reconstruction for Anterior Shoulder Instability*, Techniques Orthrop, 1988:3(1): 59-66

\_\_\_   AT   Pamphlet for *Shutt<sup>®</sup> Suture Punch System* by Linvatec, 1992

\_\_\_   AU   Pamphlet for *The Shuttle-Relay<sup>™</sup> Suture Passer* by Linvatec, 1995

Examiner: \_\_\_\_\_

Date Considered: \_\_\_\_\_

NOTE FOR EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance AND not considered. Include copy of this form with next communication to applicant.